

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, OCTOBER 29, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:13 p.m. The meeting was recessed by Mayor Murphy at 3:45 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Murphy at 3:51 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:48 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Bau Dang of the Wesley United Methodist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

09/24/2001
09/25/2001
10/01/2001 Quarterly Night Meeting
10/02/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A030-037.)

MOTION BY WEAR TO APPROVE. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: San Diego Art Institute Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-486) ADOPTED AS RESOLUTION R-295623

Congratulating the San Diego Art Institute on its 60th anniversary, and commending them for providing a forum for living artists in San Diego;

Proclaiming November 3, 2001 to be "San Diego Art Institute Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A108-199.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: David Poole Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-440) ADOPTED AS RESOLUTION R-295624

Commending David Poole for his service and contributions to the City of San Diego;

Proclaiming October 29, 2001 to be "David Poole Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A200-253.)

MOTION BY STEVENS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Judge Wayne Peterson Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-556) ADOPTED AS RESOLUTION R-295625

Recognizing October 29, 2001 as "Judge Wayne Peterson Day" for Judge Wayne Peterson's dedicated community service and success to vigorously preserve the high standards of integrity, honor and courtesy in the legal profession.

CITY MANAGER SUPPORTING INFORMATION:

Judge Wayne Peterson has consistently exceeded all expectations as presiding judge during one of the most tumultuous periods in the Court's 150-history. He has committed himself to the improvement of the quality of life in the City of San Diego and the legal court system. He has unified the Municipal and Superior Courts into a structure that delivers the best possible service, demonstrated by his leadership that he is a model citizen, and has the vision to implement changes swiftly. His efforts have resulted in instituting a computerized case management system, stabilizing the personnel base, and promoting a reform in law, order, administration and justice. Judge Peterson exemplifies commitment, drive and loyalty which are demonstrated on a routine basis, greatly impacting the legal system in the City of San Diego. Last but not least, he has set the tone to accomplish the technological challenges, administrative challenges and personnel challenges. He has been the leader with a vision. Therefore recognizing October 29, 2001 as "Judge Wayne Peterson Day" for his dedicated community service and success to vigorously preserve the high standards of integrity, honor and courtesy in the legal profession.

Balolong

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A254-386.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-34: Telephone Book Recycling Week.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-512) ADOPTED AS RESOLUTION R-295626

Proclaiming October 29 through November 4, 2001 to be "Telephone Book Recycling Week" in San Diego, and commending participants of the telephone book recycling program and encouraging San Diegans to recycle their telephone books to preserve our natural resources.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-107.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

COUNCIL COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

- * ITEM-50: Exempting the Position of Executive Director for the Ethics Commission from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/15/2001. (Council voted 9-0.):

(O-2002-33) ADOPTED AS ORDINANCE O-18996 (NEW SERIES)

Exempting the position of Executive Director for the Ethics Commission from the Classified Service pursuant to Charter Section 117(a)17 and declaring it to be in the Unclassified Service of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-51: Citizen Proposal for Modification of Municipal Code Section 63.20.12, Dogs Prohibited.

(See City Manager Report CMR-01-141, Morton Kantor's Proposal, and Proposal to Change Municipal Code Section 63.20.12. La Jolla, Mission Beach, Ocean Beach, and Pacific Beach Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-8 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, NOVEMBER 19, 2001

Introduction of an Ordinance amending Chapter 6, Article 3, of the San Diego Municipal Code by amending Section 63.20.12, relating to Dogs Prohibited, to prohibit dogs, whether leashed or unleashed, to be upon any public beach, any public park adjacent to a public beach, or any sidewalk adjacent to any public beach between the hours of 9:00 a.m. and 6:00 p.m. from April 1 to October 31, and between the hours of 9:00 a.m. and 4:00 p.m. from November 1 to March 31, adding a section making an exception for Santa Clara Point, and other appropriate modifications.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve the City Manager's recommendation, on consent, with the condition that the signs will delineate the months affected so there is no confusion as to when Daylight Savings Time is in effect. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C293-530.)

MOTION BY MADAFFER TO INTRODUCE. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: General Utility Easement Abandonment.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-517) ADOPTED AS RESOLUTION R-295627

Authorizing the vacation of the general utility easement in Block 38 of Map 856, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 193490-B marked as Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a general utility easement in Block 38 of Map 856. This property is located in the Centre City Planning area within Council District 2. This easement is on private property and the only purpose for this public service easement is to allow the City to construct and maintain facilities within the easement. No rights are granted to the public for this easement. There are no utilities currently within the easement and there is no future need to construct them. The vacation of this easement will relieve the City of the responsibility to maintain the easement area. MTDB requested the easement abandonment as part of the City's permit process for the construction of a new maintenance facility. This easement was acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9090

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Mission Valley Library Landscape Easement.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-544) ADOPTED AS RESOLUTION R-295628

Accepting a grant deed of IKEA Property, Inc., granting to the City an easement for landscaping purposes over, under, upon, along and across its real property, located immediately east of the new Mission Valley Library site, covering an area of approximately 3,300 square feet.

CITY MANAGER SUPPORTING INFORMATION:

In conjunction with the construction of the new Mission Valley Library, the City has been able to acquire at no cost a landscape easement, covering over 3,300 square feet, from the IKEA Company immediately to the east of the library site. This easement area will be incorporated into the library's existing two acre site allowing for uniform landscaping throughout. All landscaping will be conducted by the library.

FISCAL IMPACT:

None.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9091

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-102: Quince Street Burn Site - California Integrated Waste Management Board (CIWMB) AB2136 Matching Grant.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-552) ADOPTED AS RESOLUTION R-295629

Authorizing the application to the California Integrated Waste Management Board for matching grant funds up to \$750,000 for the investigation and remediation of the Quince Street Burn Site;

Authorizing the appropriation and expenditure of grant funds up to \$750,000 from CIP-32-0100 (Annual Allocation - Unclassified Disposal Sites), contingent upon receipt of funds, for the Quince Street Burn Site Project.

CITY MANAGER SUPPORTING INFORMATION:

The Quince Street Burn Site is located in the vicinity of 38th and Quince Streets in the City Heights section of the City. Historical records indicate that municipal trash was burned between 1928 and 1943.

In May and June 2000 the Solid Waste Local Enforcement Agency (LEA) conducted screening on six residential properties to determine the composition and extent of the burn ash. The investigation identified elevated levels of lead in the soil. Due to the concerns of the potential health effects associated with long term exposure to lead, the LEA requested the property owners and the City (as owner of the right of way) to conduct a more extensive investigation.

In Spring 2001, the City's consultant, URS, conducted an extensive assessment of surface and subsurface soils at the site. The result of this investigation has identified 13 properties with burn ash and elevated levels of lead in the soil. The cleanup and remediation of those properties will be more fully developed in the coming months.

This action will allow for the submittal of an application and receipt of funds in the form of a matching grant up to \$750,000 from CIWMB under the AB2136 program. The AB2136 program was promulgated in 1993 and provides funding and resources for the clean up of solid waste disposal and co-disposal facilities.

The Environmental Services Department is preparing to appear before the CIWMB at its scheduled November 13th meeting to request their approval of a matching grant up to \$750,000 for expenses related to the investigation and remediation of the Quince Street Burn Site.

FISCAL IMPACT:

Provides for the receipt of up to \$750,000 to CIP 32-01-00 upon award from CIWMB.

Loveland/Hays/SMC

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Urban Recreational and Cultural Centers Grant Applications for the World Beat Center and the Centro Cultural de la Raza.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-547) ADOPTED AS RESOLUTION R-295630

Authorizing the City Manager to apply to the State of California under the Urban Recreation and Cultural Centers Grant program for a grant for improvements to the Centro Cultural de la Raza and the World Beat Center;

Authorizing the City Manager to take all necessary actions to secure and accept grant funds from the Urban Recreation and Cultural Centers for improvements to the Centro Cultural de la Raza and the World Beat Center, including negotiating and entering into a grant funding agreement;

Authorizing the City Manager, if the grant funds are secured, to expend the grant funds in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to establish a special interest-bearing fund for the grant funds.

CITY MANAGER SUPPORTING INFORMATION:

The intent of the Urban Recreational and Cultural Centers (URCC) grant program is to provide funds, on a competitive basis, to cities, counties, non-profit organizations, and federally recognized California Indian tribes to enhance, develop and rehabilitate urban recreational and cultural centers, museums and facilities for wildlife or environmental education in urban areas throughout California.

The notice of funding availability for the URCC grant program was released by the State of California Park and Recreation Department as part of the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. A total of \$8,000,000 has been allocated for the URCC grant program. This program does not require matching funds.

The Planning Department is proposing to submit two applications for URCC funding for facilities improvements at the Centro Cultural de la Raza and the World Beat Center. Both are consistent with funding eligibility criteria that require projects to interpret a cultural theme and be located on publicly owned land. The Centro Cultural de la Raza and the World Beat Center both provide unique cultural programs that serve diverse populations within the City of San Diego and are located on City-owned property within Balboa Park.

The request for funding for the Centro Cultural de la Raza includes structural, mechanical and electrical upgrades, bleacher seating, a new stage, specialized curtains, acoustical ceiling elements, skylights, as well as numerous other physical upgrades. The total cost of the proposed improvements to the structure is \$680,000.

The World Beat Center renovation includes constructing restrooms; installing a new heating system; upgrading the facility's electrical system; bringing the existing facility into conformance with the Americans with Disabilities Act; installing solar cell panels; and developing additional exhibition space within the structure. The total cost of the proposed improvements to the structure is \$500,000.

FISCAL IMPACT:

If the grants are awarded, the City would receive up to \$1,180,000 in grant funding and would be

administered by the City of San Diego Park and Recreation Department.

Ewell/Goldberg/LBE

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: California Defense Retention Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-575) ADOPTED AS RESOLUTION R-295631

Authorizing the application for and expenditure of a Defense Retention Support Grant from the California Technology, Trade and Commerce Agency.

CITY MANAGER SUPPORTING INFORMATION:

Uniformed military services are the largest single component of the San Diego economy, this year contributing more than \$13 billion dollars to the region. In 1993, the Federal government implemented a round of base closures under the Base Realignment and Closure (BRAC) law. The San Diego Naval Training Center was among the military facilities closed under BRAC. The transfer of the Naval Training Center to the City in 1997 and its subsequent redevelopment as Liberty Station will, in the long run, result in expanded economic opportunity, but the closure of that facility resulted in substantial short term dislocations. The Defense Appropriation bill currently pending before Congress includes a provision for another BRAC round to be completed in 2003. Most observers concur that San Diego's military presence is so large that it will likely be impacted once again by the BRAC process. The California Technology, Trade and Commerce Agency's Office of Military Base Retention and Reuse offers an annual grant to local jurisdictions with military facilities. Eligible projects include base retention plans, defense industry retention plans, supplements to prior adopted retention plans, and partnerships between

military facilities and public education entities. The State issued a request for proposals in early October with applications due October 31. The grants are generally for a maximum of \$50,000, although a larger amount may be awarded in exceptional cases. The grant requires a 1:1 local match, which may include in-kind contributions. It is anticipated that the local match would be met by current and anticipated economic analysis and planning undertaken by SANDAG or other organizations, and would not require direct expenditures by the city.

FISCAL IMPACT: None with this action.

Herring/Cunningham/MDJ

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C198-292.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Community Crime Resistance Grant Proposal with Safe Streets Now.

(Barrio Logan, North Park, Logan Heights, University Heights, East Village, Mission Hills, Sherman Heights, Normal Heights, Golden Hill, City Heights, and Hillcrest Community Areas. Districts-2, 3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-527) ADOPTED AS RESOLUTION R-295632

Authorizing the Chief of Police to accept and expend funding from a grant from the Office of Criminal Justice entitled "Community Crime Resistance in San Diego";

Declaring that the authorization includes all aspects of grant and program application, acceptance, operation, contracts, expenditures, certifications of compliance with all applicable statutory or regulatory requirements related to the

program, and any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that the City agrees to provide all required matching funds for the project under the program and the funding terms and conditions of the Office of Criminal Justice Planning, and that any required cash match shall be appropriated as required.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Police Department staff worked in collaboration with Safe Streets Now, a "grassroots" community organization which educates and empowers residents to remove drug, gang, and other nuisance properties from their neighborhoods.

The goal of the proposed project is to provide a comprehensive array of training opportunities to community residents, designed to establish effective, citizen-based crime prevention networks in anticipation of a potential resurgence in criminal activity. The project will target 11 communities in the "urban core" in or surrounding the Downtown area of San Diego: Barrio Logan, North Park, Logan Heights, University Heights, East Village, Mission Hills, Sherman Heights, Normal Heights, Golden Hill, City Heights, and Hillcrest. The grant is potentially renewable for up to three years total.

If the proposal is selected for funding, the majority of grant funds will be subcontracted to Safe Streets Now to fund a Project Coordinator, clerical support, training and operating expenses and supplies. This contract will be processed in a separate action. SDPD will provide assistance in developing and providing various training components.

FISCAL IMPACT:

If funded, the grant will provide approximately \$100,913 in year 1, and similar amounts in years 2 and 3. Funds subcontracted to Safe Streets Now will pay for a Project Coordinator, operating expenses and supplies. A small proportion will be allocated to SDPD Officer overtime as needed to assist with the project and administrative costs. The mandatory cash match of 10% (\$11,213) in year 1, and 20% in years 2 and 3, will be contributed by Safe Streets Now. There is no requirement to continue grant-funded activities or expenditures after grant funding has terminated.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Funding for the Coastal Rail Trail.

(Torrey Pines, University, Mira Mesa, Clairemont Mesa, Pacific Beach, Mission Bay Park, Old San Diego, Midway and Centre City Community Areas. Districts-1, 2, 5, and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-506) ADOPTED AS RESOLUTION R-295633

Authorizing the City Manager to apply for and accept a total of \$631,130 in Congestion Mitigation and Air Quality (CMAQ) Funds (Fund No. 38693) from the State, and \$81,770 in TransNet Bikeway Funds (Fund No. 30301) from SANDAG for the preliminary engineering, environmental documentation, final design, and permitting for the Coastal Rail Trail;

Authorizing the addition of CIP-58-162.0 (Coastal Rail Trail) to the FY 2002 Capital Improvement Program;

Authorizing the appropriation and expenditure of \$712,900 from CIP-58-162.0 for the Coastal Rail Trail Bikeway extending from the City of Del Mar/City of San Diego Limit to San Diego Centre City, contingent upon receipt of a fully executed program supplement from the State and receipt of funds from SANDAG;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget by \$712,900 for CIP-58-162.0, Coastal Rail Trail Bikeway.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to apply for and accept a total of \$631,130 in Congestion Mitigation and Air Quality (CMAQ) Funds from the State and \$81,770 in TransNet Bikeway Funds from SANDAG for the Coastal Rail Trail, CIP-58-162.0. Furthermore, it will authorize the expenditure of \$712,900 from CIP-58-162.0 for the preliminary engineering, environmental documentation, final design, and permitting for the Coastal Rail Trail.

The Coastal Rail Trail is a proposed 44-mile multi-use pathway to be located generally within the San Diego Northern Railway right-of-way. The proposed trail will traverse from the San Luis River in Oceanside to the Santa Fe Depot in San Diego Centre City and will be built in accordance with Caltrans' standards for a Class 1 bicycle facility. The City of San Diego's portion begins at the Del Mar City Limit and terminates in San Diego Centre City. The design and construction of the portions of the Coastal Rail Trail outside of the City of San Diego are being carried out by the respective cities in coordination with one another.

FISCAL IMPACT:

Adding and expending a total of \$631,130 in Congestion Mitigation and Air Quality (CMAQ) Funds (Fund No. 38693) and \$81,770 in TransNet Bikeway Funds (Fund No. 30301) from CIP-58-162.0 (Coastal Rail Trail).

Loveland/Gonzalez/AH

Aud. Cert. 2200375.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Protected - Permissive Left Turn Phasing at 11 Locations.

(Clairemont Mesa, Mid-City, Mira Mesa, Kearny Mesa, Pacific Beach, College Area, Midway/Pacific Hwy Corridor Community Areas. Districts-2, 3, 5, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-499) ADOPTED AS RESOLUTION R-295634

Authorizing the City Manager to accept Program Supplement No. 11-5004 to Local Agency-State Agreement for Federal Aid Project No. CMLG-5004 (125), for the amount of \$32,600 in Congestion Mitigation and Air Quality Funds, Fund No. 38691;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$187,400 in Congestion Mitigation and Air Quality Funds, Fund No. 38691;

Authorizing the Auditor and Comptroller to add the project, CIP-62-323.0, Protected-Permissive Left Turn Phasing at 11 Locations, to the Fiscal Year 2002 Capital Improvements Program;

Authorizing the appropriation and expenditure of \$32,600 from CIP-62-323.0, Fund No. 38691, for the purpose of funding the preliminary engineering of the above project;

Authorizing the appropriation and expenditure of \$187,400 from CIP-62-323.0, Fund 38691, for the purpose of funding the construction of the above project, contingent upon receipt of a fully executed Program Supplement;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program budget by appropriating \$220,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38691 in CIP-62-323.0, Protected-Permissive Left Turn Phasing at 11 Locations;

Authorizing the City Auditor & Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install protected-permissive left turn phasing at the 11 signalized intersections listed below. With this operation, left turn traffic is first directed to turn left on the display of a green arrow and then permitted to turn during the non-protected interval on the display of a circular green. In order to provide the protected-permissive phasing, new traffic signal heads will be installed on the existing traffic signal equipment at each location.

- | | |
|--|---|
| 1) Genesee Avenue and Bannock Avenue | 2) University Avenue and Chamoune Avenue |
| 3) Camino Ruiz and New Salem Street | 4) Camino Ruiz and Capricorn Way |
| 5) Convoy Street and Engineer Road | 6) Convoy Street and Dagget Street |
| 7) Grand Avenue and Olney Street | 8) Midway Drive and East Drive |
| 9) Midway Drive and Fordham Street | 10) Midway Drive and Post Office Driveway |
| 11) Montezuma Road and East Campus Drive | |

The estimated cost of the project is \$220,000 of which \$32,600 is for design and \$187,400 is for construction.

FISCAL IMPACT:

The total cost of this project is \$220,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2200307.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Traffic Signal Detection at 25 Locations.

(Midway/Pacific Highway Corridor, Mid-City, Skyline/Paradise Hills, and College

Area Community Areas. Districts-2, 3, 4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-500) ADOPTED AS RESOLUTION R-295635

Authorizing the City Manager to accept Program Supplement No. 11-5004 to Local Agency-State Agreement for Federal Aid Project No. CMLG-5004 (124), for the amount of \$29,700 in Congestion Mitigation and Air Quality Funds, Fund No. 38690;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$170,300 in Congestion Mitigation and Air Quality Funds, Fund No. 38690;

Authorizing the Auditor and Comptroller to add the project, CIP-62-324.0, Traffic Signal Detection at 25 Locations, to the Fiscal Year 2002 Capital Improvement Program;

Authorizing the appropriation and expenditure of \$29,700 from CIP-62-324.0, Fund No. 38690, for the purpose of funding the preliminary engineering;

Authorizing the appropriation and expenditure of \$170,300 from CIP-62-324.0, Fund 38690 for the construction of the project, contingent upon receipt of a fully executed Program Supplement;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program budget by appropriating \$200,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38690 and CIP-63-324.0, Traffic Signal Detection at 25 Locations;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install new vehicle detectors at 25 signalized intersections that currently have no detection or inadequate detection. Vehicle detectors are wire conductors installed in the pavement

near the intersection which detect vehicles approaching or waiting at the intersection. They allow the traffic signal to operate more efficiently and reduce overall delay. The new detectors will be installed at the following locations:

- | | |
|--|--|
| 1. 4 th Avenue and University Avenue | 2. 30 th Street and Adams Avenue |
| 3. 30 th Street and Meade Avenue | 4. 30 th Street and North Park Way |
| 5. 35 th Street and Meade Avenue | 6. 42 nd Street and University Avenue |
| 7. 43 rd Street and Meade Avenue | 8. 43 rd Street and Orange Avenue |
| 9. 58 th Street and University Avenue | 10. Aragon Drive and University Avenue |
| 11. Boundary Street and Meade Avenue | 12. Chamoune Avenue and University Avenue |
| 13. Euclid Avenue and Imperial Avenue | 14. Euclid Avenue and University Avenue |
| 15. Euclid Avenue and Wightman Street | 16. Fairmount Avenue and University Avenue |
| 17. Hancock Street and Washington Street | 18. Howard Avenue and Texas Street |
| 19. India Street and W. Laurel Street | 20. Meade Avenue and Texas Street |
| 21. Rolando Avenue and University Avenue | 22. San Diego Avenue and Washington Street |
| 23. State Street and W. Laurel Street | 24. University Avenue and Winona Avenue |
| 25. University Avenue and University Square Driveway | |

The estimated cost of the project is \$200,000 of which \$29,700 is for design and \$170,300 is for construction.

FISCAL IMPACT:

The total cost of this project is \$200,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2200308.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Transfer of Funds: Torrey Pines Road Sewer and Water Project.

(See Frank Belock, Jr.'s 5/24/2001 memo; Frequently Asked Questions About Group Jobs. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-574) ADOPTED AS RESOLUTION R-295636

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,014,038 from Water Fund 41500, CIP-70-956.0, South Bay Reclaimed Water Reclamation System, and an amount not to exceed \$729,925 from Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipes and Reservoir Rehabilitations, to Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Boulevard Main Replacement;

Authorizing the expenditure of an amount not to exceed \$1,054,923 for the construction of Phase 2 of the Torrey Pines Road Sewer and Water Project;

Authorizing the use of additional City Forces on the Project in an amount not to exceed \$100,000 to replace existing crosses, tees, valves and sections of pipe, for a total City Force cost of \$600,000;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3-0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

The 16" water main section (approximately 4,300 feet) of the Torrey Pines Road Sewer and Water Project is part of the Torrey Pines Road / La Jolla Boulevard Water Main Replacement Project (approximately total 26,790 feet) identified for replacement. The project is in the community of La Jolla along Torrey Pines Road, between La Jolla Shores Drive and Exchange Place.

The Water Department recognized the opportunity to work cooperatively with other City Departments to minimize the impact to the community. On May 20, 2001 the City Council authorized funding for this project and authorized the City Manager to enter into a construction contract with the lowest responsible bidder. However, the coordination effort between City Departments and the modifications of the plans to reflect this effort has impacted the original scheduling of funds. The funds were previously identified, but were not appropriated to the project in Fiscal Year 2001.

The Water Department's City Forces have been replacing the existing valves, tees, and crosses in advance of the contractor's work in order to assure safe and reliable water system shutdown and to minimize water service interruptions to the community during construction. However, due to the age of the infrastructure, volume of traffic present, and water system shutdown difficulties, a higher level of effort by City Forces was required. Additional \$100,000 City Force effort is needed to complete this task.

FISCAL IMPACT:

Funding of \$1,014,038 will be transferred from the CIP-70-956.0, South Bay Water Reclamation System and \$729,925 will be transferred from CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Rehabilitations to CIP-70-953.0, Torrey Pines / La Jolla Shores Main Replacement for Phase 2 funding of the Torrey Pines Road Sewer and Water Project.

Loveland/Gardner/NXK

Aud. Cert. 2200428.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Westfield Works Wonders Day.

(Centre City, Mission Valley and University Community Areas. Districts-1, 2 and 6.)

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-433) ADOPTED AS RESOLUTION R-295637

Proclaiming Sunday, November 18, 2001 to be "Westfield Works Wonders Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: ElderHelp of San Diego Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-553) ADOPTED AS RESOLUTION R-295638

Commending the ElderHelp for 28 years of service;

Proclaiming October 25, 2001 to be "ElderHelp of San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Camino Ruiz Neighborhood Park.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-513) ADOPTED AS RESOLUTION R-295639

Authorizing the City Manager to execute the first amendment to the Consultant Agreement with Schmidt Design for professional services required to design and construct Camino Ruiz Neighborhood Park;

Authorizing the expenditure of an amount not to exceed \$145,053 from CIP-29-756.0, Camino Ruiz Neighborhood Park - Development, Mira Mesa Facilities Benefits.

CITY MANAGER SUPPORTING INFORMATION:

The 11 acre park is located south of Penasquitos Canyon at the north end of Camino Ruiz extension in the Mira Mesa Community Area. The proposed project includes site grading, comfort station, children's play area, ballfields, security lights, parking lot, concrete walkways, fencing, signage, irrigation system, and other park amenities. On October 17, 2000, the City of San Diego entered into an agreement with Schmidt Design for professional services necessary for the design of the Camino Ruiz Neighborhood Park.

Based on preliminary Environmental Review, it has been determined that an Environmental Impact Report (EIR) is necessary for this project. Upon completion of the EIR process, the consultant will complete the necessary design drawings to construct the park. Additional funding is necessary to allow the consultant to prepare the project EIR, complete the construction documents, and provide construction support services.

FISCAL IMPACT:

The amended total design fee is \$364,684. The amount of \$219,631 was previously authorized by Contract C-10363 on October 17, 2000. Funds for this action (\$145,053) are available in CIP-29-756.0, Camino Ruiz Neighborhood Park - Development, Mira Mesa Facilities Assessment. The total project cost is estimated at \$5,800,000.

Loveland/Belock/AO

Aud. Cert. 2200373.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-113: Vista Sorrento Parkway.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-570) ADOPTED AS RESOLUTION R-295640

Authorizing the City Manager to execute a Cooperation Agreement with Westbrook Torrey Hills, L. P., for the purpose of expediting the roadway construction of Vista Sorrento Parkway.

CITY MANAGER SUPPORTING INFORMATION:

Vista Sorrento Parkway will be a critical north/south local roadway immediately to the east and parallel to the junction of Interstates 5 and 805 in the Sorrento Hills community. Its construction will be a requirement of Westbrook for their Torrey Hills development and is necessary to serve this growing community. The project has not been able to move forward because of a large amount of dirt material that represents an obstruction in the exact alignment of Vista Sorrento Parkway and a freeway widening project. The removal of this dirt material is the responsibility of CalTrans as part of their 5/805/56 Interchange project. This freeway project will not begin until early 2002 and the schedule to have this dirt removed (though uncertain until a contractor has been procured) is likely not to be until 2003. Westbrook would then construct Vista Sorrento Parkway after the dirt is removed. Therefore, it would not be usable until probably 2004, which is problematic from a traffic circulation point-of-view.

After a series of discussions between staff from the City, CalTrans, and Westbrook, an arrangement has been agreed upon which will result in Vista Sorrento Parkway being completed much sooner. This agreement provides that Westbrook will remove the dirt material immediately in exchange for a \$2.8 million reduction in their obligation to fund the Carmel Mountain Road/Interstate 5 Interchange, which is part of the aforementioned CalTrans 5/805/56 project. CalTrans, in turn, will assume funding responsibility for this \$2.8 million in their project budget and have acknowledged that by formal correspondence. Westbrook would complete the rest of the roadway work with the goal of having it constructed by mid 2002 (instead of 2004.) As Westbrook believes the cost of the dirt removal will exceed the \$2.8 million that CalTrans is willing to reimburse, the agreement also provides that the City will consider reimbursing Westbrook this difference from any funds not used for the Sorrento Valley Road Project (CIP-52-330.0).

FISCAL IMPACT:

None to the City. The cost of this work is being borne by Westbrook in exchange for a commensurate reduction to its obligation for the Carmel Mountain Road/Interstate 5 Interchange.

Loveland/Belock

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B077-181.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Tenth Amendment to the Agreement for the Use of the Tijuana Emergency Connection.

(See Scott Tulloch's memo dated 9/26/2001. San Ysidro and Tijuana River Valley Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-541) ADOPTED AS RESOLUTION R-295641

Authorizing the City Manager to execute the Tenth Amendment to the Memorandum of Agreement with the United States of America, for the use of the Emergency Connection to the San Diego Metropolitan Sewerage System.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/3/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In 1990, the City agreed to treat up to 13 million gallons per day (mgd) of Tijuana sewage in the City's Metropolitan Wastewater System (Metro) as an interim solution to the border sanitation problem, until the International Treatment Facilities were constructed. The City entered into an agreement with the International Boundary and Water Commission (IBWC) on July 22, 1991 to treat Tijuana sewage. The existing agreement expires on September 30, 2001. This Tenth Amendment will extend the agreement until September 30, 2002.

Phase I of the International Wastewater Treatment Plant, which came on line in May 1997, and the South Bay Ocean Outfall, which was completed in December 1998, can process and dispose of up to 25 mgd of Tijuana sewage. Upgrades to the Tijuana sewage system were completed in late 2000 which included the construction of a new pump station and parallel force main. As a result of these Tijuana system improvements the emergency connection has not been utilized since September 2000. However, it is recommended that this agreement be extended for another year to provide a safeguard, should an emergency arise in which it is necessary to divert Tijuana sewage to the Metro System.

FISCAL IMPACT:

In Federal Fiscal Year 2002, the IBWC will be charged a rate of \$432.05 per million gallons of flow, plus \$177.16 per thousand pounds of Total Suspended Solids and \$54.31 per thousand pounds of Chemical Oxygen Demand for treatment of Tijuana sewage.

Loveland/Tulloch/CAW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-B076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Sewer Pump Station No. 26 - Contract Change Order No 3.

(See Memorandum from Frank Belock Jr., dated 9/12/2001. La Jolla Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-521) ADOPTED AS RESOLUTION R-295642

Approving Contract Change Order No. 3 to the contract with Foss Environmental and Infrastructure for the Construction of Coast Boulevard Sewer for the Abandonment of Sewer Pump Station 26, increasing the contract price by \$145,413.59;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$65,000 from the Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations, to Sewer Fund 41506, CIP-41-923.0, Sewer Pump Station No. 26;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$61,945 from Sewer Fund 41506, CIP-41-923.0, Sewer Pump Station No. 26, and an amount not to exceed \$97,035.29 from Sewer Fund 41506, CIP-46-193.0, Annual Allocation - Muni Pooled Contingency, for the purpose of funding the Change Order and construction, engineering, and other costs related to the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND:

Sewer Pump Station No. 26 is located at the corner of Coast Boulevard and Jenner Street, south of the Lifeguard Station in the La Jolla community area. The proposed 2,746 foot gravity sewer alignment will redirect the flow south of Jenner Street to Pump Station No. 24. During the course of construction, the contractor encountered unanticipated hard rock formation while Micro tunneling. Additional time and cost were incurred when it was necessary for the contractor to use a slower construction method.

FISCAL IMPACT:

The total estimated cost of this project is \$2,579,318.79 of which \$2,106,113 was previously authorized by Council Resolution R-291688 and \$314,225.50 was previously authorized by City Council Resolution R-294466. This request of \$158,980.29 is available in Sewer Fund 41506, CIP-41-923.0, Sewer Pump Station No. 26 and CIP-46-106.0 Annual Allocation - Sewer Pump Stations and CIP-46-193.0, Annual Allocation - Muni Pooled Contingency.

Loveland/Belock/HR

Aud. Cert. 2200390.

WWF-02-542.

FILE LOCATION: CONT - Foss Environmental and Infrastructure

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Agreement with CDM Engineers and Constructors, Inc., for Engineering Services.

(See Memorandum from Larry Gardner dated 10/9/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-524) ADOPTED AS AMENDED AS RESOLUTION R-295643

Authorizing the City Manager to execute an agreement with CDM Engineers and Constructors, Inc., for consulting services;

Authorizing the expenditure of an amount not to exceed \$12,000,000 from Water Department Fund 41500.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/17/2001, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Frye, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Water Department (City) is implementing a Capital Improvements Program (CIP) that will provide a safe and reliable water storage, treatment and delivery system. The planned capital program includes projects to repair, replace, upgrade and expand water treatment plants, pump stations, pipelines and reservoirs; expand the reclaimed water system; and explore the City's groundwater assets.

These projects have been designed to meet state and federal regulations and will improve overall system efficiency, reliability and safety.

The City of San Diego's continued development and management of groundwater resources could provide significant water supply, water quality, and economic benefits. To utilize groundwater resources effectively and efficiently, a better understanding of local groundwater basins is needed. To achieve these goals the City has hired a consulting firm (CDM Engineers and Constructors, Inc.) to provide well installations, hydrogeologic testing and related services to support the program. The related services will include well permit, design, installation, logging and development, pump tests, report preparation and other specialized technical services to meet project objectives.

Professional services will be authorized on a task order basis. The scope of services for each task order shall be developed through a collaborative effort between the City's Groundwater Team and CDM. Once a scope is complete, the Project Manager will issue a written task order which will describe the specific work, schedule and compensation for the task. Each task order shall be subject to the terms, conditions and fee schedule included in this agreement. Task Orders must be approved and signed by a Water Department Deputy Director and the Office of the City Attorney before the consultant may proceed with the Work.

An RFQ was issued on May 19, for the Groundwater Consulting services. Interviews were conducted on June 19, after short listing the candidates. CDM was selected by the City based on their expertise, experience, understanding, and the capability of personnel and contractors in the groundwater investigation area.

FISCAL IMPACT:

Funding is available from Water Revenue Fund 41500 in the amount of \$12,000,000.

Loveland/Gardner/MS

Aud. Cert. 2200400.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C566-D329.)

MOTION BY MADAFFER TO ADOPT WITH THE CONDITION, AS PART OF THIS ACTION WITH CDM ENGINEERS AND CONTRACTORS, INC., THAT QUARTERLY REPORTS BE PROVIDED TO EITHER NR&C OR TO CLOSED SESSION, AS APPROPRIATE, BASED UPON THE POTENTIAL FOR LITIGATION SINCE THIS AGREEMENT PERTAINS TO GROUND WATER AS THE STRATEGIC ISSUE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to Inviting Bids for the Point Loma Branch Library.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-562) ADOPTED AS RESOLUTION R-295644

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of the Point Loma Branch Library on Work Order No. 118827;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$7,771,370 from CIP-35-067.0; an amount not to exceed \$2,771,370 from Fund 63022, Redevelopment Agency Contribution; and the remaining \$5,000,000 from the San Diego Foundation grant, contingent upon the phased receipt of funds for the purpose of executing the contract and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funding necessary for such expenditure is, or will be, on deposit in the City Treasury.

Subitem-B: (R-2002-572) ADOPTED AS RESOLUTION R-295645

Declaring that the information contained in Environmental Impact Report File No. SCH-97091022, certified by Resolution R-290046, adopted on May 4, 1998, including any comments received during the public review process, has been reviewed and considered by Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the approval of the Point Loma Branch Library;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

In honor of James Edgar and Jean Jessop Hervey, the San Diego Foundation presented a \$5 million donation from the Hervey Family to the City of San Diego for the construction of the new Point Loma Library.

This project provides for the construction of a new library to replace the existing deteriorated 1959 era facility. The existing 4,894 square foot branch library, located at 2130 Poinsettia Drive, is outdated and is too small to adequately meet the current and growing needs of the communities it serves.

The new library provides for a new 25,890 square foot library on land adjacent to the existing facility that was acquired earlier for this purpose. The new library will include reading areas, a children's area, computer lab, community and meeting rooms, audio-visual facilities, and other related amenities.

The existing library will be demolished after construction of the project, and will add landscaping and a small park in its place. The new library will be named James Edgar and Jean Jessop Hervey Library.

FISCAL IMPACT:

The estimated total cost of the project is \$10,453,000 of which \$2,193,630 has been previously authorized for design services and purchase of the two adjacent properties. The total project cost is from CIP-35-067.0, Fund Various - Point Loma Library (\$1,364,000), and Fund 10252 - Redevelopment Agency Contribution (\$4,089,000) for the project construction and related expenditures, and the remaining balance of \$5,000,000 will be phase funded from the San Diego Foundation per the agreement and schedule approved by City Council Resolution R-294132 on November 14, 2000.

Loveland/Belock/AO

FILE LOCATION:

SUBITEMS A AND B: CONT - Swinerton Builders;
W.O. 118827

COUNCIL ACTION:

(Tape location: B182-413.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Point Loma Library Expansion - Supplemental Funding.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-580) ADOPTED AS RESOLUTION R-295646

Authorizing the expenditure of an additional amount not to exceed \$450,000 from Fund 30244, Department 30244, Organization 106, Object Account 4638, Job Order 350670, CIP-35-067.0, Financing Source 10252, to supplement funds previously authorized by Resolution Number R-295202, adopted July 24, 2001, for the acquisition of required property rights and costs related to condemnation of fee title interest and improvements to the realty in connection with the Point Loma Branch Library Project.

CITY MANAGER SUPPORTING INFORMATION:

By Resolution No. R-295202, dated July 24, 2001, Council authorized the expenditure of \$650,000 for the acquisition of required property rights and costs related to condemnation of fee title interest and improvements to realty in connection with the Point Loma Branch Library Project. Since that date, increased land value, accumulated labor charges, and anticipated litigation expenses, have led to deficiencies in the authorized funding for this project. Additional funds in the amount of \$450,000 are required in order to bring the funding in balance, and allow for the filing of the eminent domain action necessary for the acquisition of the property. Said funds are to be provided from North Bay Bond proceeds, as part of the North Bay Redevelopment Project, in accordance with the Cooperation Agreement for the Point Loma Branch Library, Document No. RR-294690, adopted by Council on March 27, 2001, and as a companion item by the Redevelopment Agency as Document No. 03311, adopted September 6, 2001.

FISCAL IMPACT:

\$450,000 is available in CIP-35-067.0 (Point Loma Branch Library).

Herring/Griffith/SLG

Aud. Cert. 2101312 Revised.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B414-422.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Cooperative Agreement with Caltrans and San Dieguito River Park JPA.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-567) ADOPTED AS RESOLUTION R-295647

Authorizing the City Manager to enter into a Cooperative Agreement with the State of California, acting by and through the Department of Transportation, and the San Dieguito River Park Joint Powers Authority (JPA) for the acceptance of funds from JPA and the establishment of a mitigation bank;

Authorizing the City Manager to take all necessary actions to enter into the Cooperative Agreement;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the project;

Authorizing the City Manager to accept monies set forth under the Cooperative Agreement;

Authorizing the City Auditor and Comptroller to place all funds received pursuant to the Cooperative Agreement into the City's Habitat Acquisition Fund (#10571) for the purpose of acquiring open space.

CITY MANAGER SUPPORTING INFORMATION:

The proposed action would authorize the City Manager to enter into a Cooperative Agreement with Caltrans and the San Dieguito JPA for the purposes of reserving a 20-acre mitigation site within the San Dieguito Park Master Plan and Westland Restoration Project area for mitigation of future Caltrans development projects. Under the Cooperative Agreement, Caltrans would pay the JPA \$500,000 for the right to use the mitigation property within 25 days of the execution of the Cooperative Agreement.

The JPA would transfer the \$500,000 within 30 days of receipt of monies from Caltrans to the City. Monies will be placed in the City's Habitat Acquisition Fund (Fund Number 10571) for the purpose of acquiring open space habitat. The \$500,000 payment by the JPA to the City would be a partial payment, to reimburse the City for the acquisition cost of 105 acres of property purchased by the City on August 7, 1996 within the San Dieguito Park Master Plan and Westland Restoration Project area.

The 20-acre site proposed in the Cooperative Agreement to be mitigated by Caltrans would be selected as mutually agreed upon by the City, the JPA, and Caltrans. Restoration of the mitigation site would be at Caltrans' expense. The State would maintain and monitor the mitigation site until the mitigation was fulfilled to the satisfaction of resource agency permit conditions. At that time, the maintenance of the site would revert to the SDJPA.

Uberuaga/Goldberg/KG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C531-565.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 811 25th Street (APN 534-404-17)

Agency Negotiator: Real Estate Assets Director

Negotiating Parties: Greater Golden Hill Community Development Corporation

Under Negotiation: Terms of Disposition of the property

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

CONTINUED TO MONDAY, NOVEMBER 5, 2001

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on October 30, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A520-B022.)

MOTION BY WEAR TO CONTINUE TO NOVEMBER 5, 2001, AT THE REQUEST OF THE CITY MANAGER, TO BE REFERRED TO CLOSED SESSION ON NOVEMBER 6, 2001. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Black Mountain Ranch Unit No. 7" and "Black Mountain Ranch Unit No. 8" located in the Black Mountain Ranch Community Plan Area in Council District 1, copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

(1) The maps substantially conform to the approved tentative maps, and any approved alterations thereof and any conditions of approval imposed with said tentative maps.

(2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative maps.

(3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Torrey Hills Unit No. 19 (T.M.-95-0554), located in Council District 1 in the Sorrento Hills Community Plan Area, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-S400: Doris and E.T. Perry Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-586) ADOPTED AS RESOLUTION R-295648

Recognizing the commitment to the College Area neighborhoods by Doris and E.T. Perry, and proclaiming October 29, 2001 to be "Doris and E.T. Perry Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A387-519.)

MOTION BY MADAFFER TO ADOPT. Second by Mayor Murphy. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-S401: Appointments and Reappointments to the Board of Building Appeals and Advisors.

(See memorandum from Mayor Murphy dated 10/12/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-593) ADOPTED AS RESOLUTION R-295649

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Board of Building Appeals and Advisors for terms ending March 1, 2003:

Reappointments

Daniel M. Bridgett (Fire Protection Engineer)
Michael V. Furby (General Contractor)
Matthew N. Martinez (Structural Engineer)

Appointments:

Tony Kan (Electrical Engineer)
(replacing Wes Johnson, whose term has expired)
John Littrell (Mechanical Electrical Engineer)
(replacing Hugh C. Carter, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Pro Kids Golf Academy and Learning Center Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-598) ADOPTED AS RESOLUTION R-295650

Recognizing the commitment to San Diego's youth by the Pro Kids Golf Academy and Learning Center, and proclaiming October 27, 2001 to be "Pro Kids Golf Academy and Learning Center Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B023-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S403: Rezoning for Coca Cola Permit No. 40-0158.

(Mid-City Community Area. District-4.)

(Continued from the meeting of October 22, 2001, Item 50, at the request of Deputy Mayor Stevens, to view the completed wall design.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/9/2001. (Council voted 9-0):

(O-2002-31) ADOPTED AS ORDINANCE O-18997 (NEW SERIES)

Rezoning a portion of a 3.085 acre site located at 1348 47th Street between Federal Boulevard and State Highway 94 in the Mid-City Communities Plan area from the RM-1-2 (Residential-Multiple Unit) Zone into the IL-3-1 (Industrial-Light) Zone.

FILE LOCATION: LAND - Progress Guide and General Plan/Mid-City
Communities/Coca Cola (09)

COUNCIL ACTION: (Tape location: B423-430.)

MOTION BY STEVENS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S404: Extension of Memorandum of Understanding Regarding the Ballpark and Redevelopment Project.

(Continued from the meeting of October 23, 2001, Item S501, at the request of the City Manager, for further review.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-583) ADOPTED AS RESOLUTION R-295651

Authorizing and directing the City Manager to execute for and on behalf of the City of San Diego the Fourth Supplement to the Ballpark and Redevelopment Project Implementation Agreement;

Directing the City Manager to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution, consistent with the rights and obligations of the City pursuant to the Ordinance and MOU.

SUPPORTING INFORMATION:

The Memorandum of Understanding regarding the Ballpark and Redevelopment Project [MOU] was approved by the electorate on November 3, 1998. The MOU is currently set to expire by October 31, 2001, unless further extended by agreement of the parties. The MOU was originally set to expire on March 31, 2000, unless extended by agreement of the parties. The parties agreed to extend the MOU until September 30, 2000, further until March 31, 2001, further until September 30, 2001, and most recently until October 31, 2001. The City is proceeding forward to obtain its financing for the

project; however, a further extension of the MOU is necessary. The appropriate length of the extension is still under consideration. Staff will have a recommendation regarding the extension at the Council hearing.

Girard

NOTE: See the Redevelopment Agency Agenda of October 29, 2001 for a companion item.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B431-C119.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS

None.

ADJOURNMENT

The meeting was adjourned by Mayor Murphy at 4:48 p.m. in honor of the memory of

William Fathman as requested by Council Member Maienschein and
John C. Leppert as requested by City Clerk Charles G. Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D330-412.)